

REMARKS

This is an amendment in response to the Official Action mailed **March 12, 2009** (the “Office Action” or “Action”) and concurrent to an appeal brief, pursuant to 37 C.F.R. § 1.116(b).

Claim Status:

By the foregoing amendment, claim 6 has been amended. No new matter has been added. Additionally, claims 10 and 25 have been cancelled without prejudice or disclaimer. Claims 2, 7-8, 17 and 20 were previously cancelled without prejudice or disclaimer. Thus, claims 1, 3-6, 9, 11-16, 18, 19, 21-24 and 26 are currently pending for further action.

Objection to Claims:

In the outstanding Office Action, the Examiner objected to claim 6 because of a minor typographical error. (Action, p. 3). This issue has been corrected by the present amendment. No new matter has been added. Moreover, the amendments made in this regard do not, and are not intended to, narrow or change the scope of the claims.

The Examiner further objected to claims 10 and 25 for being redundant to independent claims 9 and 1, respectively. Consequently, Applicant has cancelled claims 10 and 25.

Following entry of this amendment, the objection to claims 6, 10, and 25 may be reconsidered and withdrawn.

37 C.F.R. §41.33

Because the present amendment is filed prior to an Appeal Brief, 37 C.F.R. §41.33 directs that the amendment be entered under the provisions of 37 C.F.R. § 1.116. Therefore, entry and consideration of this amendment are proper under 37 C.F.R. § 1.116 for at least the following reasons. The present amendment makes only those changes necessary to place the application in better condition for appeal by correcting a clear error. The amendment does not raise new issues requiring further search or consideration. Therefore, entry of the present amendment is proper under 37 C.F.R. § 1.116 and § 41.33 and is hereby requested.

Conclusion:

In view of the foregoing arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments in future papers supporting the patentability of any of the claims, including the separate patentability of the dependent claims not explicitly addressed herein. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

The absence of a reply to a specific rejection, issue or comment in the Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the

Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

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/Steven L. Nichols/

Steven L. Nichols

Registration No. 40,326

Steven L. Nichols, Esq.
Managing Partner, Utah Office
Rader Fishman & Grauer PLLC
River Park Corporate Center One
10653 S. River Front Parkway, Suite 150
South Jordan, Utah 84095

(801) 572-8066
(801) 572-7666 (fax)